

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

FIRST APPEAL NO.1124 OF 1992.

Hanmant Ganpati Koli & ors. : Appellants.

versus

Kashibai Ganpati Patil & ors. : Respondents.

Mr.Rajesh Patil i/by S.D.Khot for the appellants.

Mr.R.P.Kadav for Respondent Nos. 6 & 8

ALONG WITH

FIRST APPEAL NO.1123 OF 1992

Hanmant Ganpati Koli & ors. : Appellants.

versus

Smt.Jakave Ramchandra Khairavkar

& ors. : Respondents.

Mr.Rajesh Patil i/by S.D.Khot for the appellants.

Mr.Vijay Bolinjkar i/by K.K.Malphatak for
Respondent Nos. 1 to 9.

Mr.P.M.Shah for respondent No.5.

CORAM : D.G.DESHPANDE, J.

DATED : 4th April 2005.

ORAL ORDER

1. Both these appeals have been filed by the owner of the truck against the order of Motor Accident Claims Tribunal, Sangli awarding compensation against him and in favour of the respondents. Three persons were going on the fateful night on motor-cycle. This truck was having two trolleys and the accident took place at 3.00 a.m. on 21st May 1983. The truck and the trolleys were not insured. The tribunal held that both the driver of the truck and the rider of the motor-cycle were negligent equally. The tribunal also held that the persons driving motor cycle might have consumed alcohol. That is a wrong finding without any factual support. Regarding quantum of compensation, the tribunal considered the case in proper perspective and came to right conclusion. The finding regarding contributory negligence in the absence of direct evidence and looking to the illegalities committed by both sides cannot be faulted with,

so also the compensation fixed by the tribunal in the respective cases. Nothing more was argued, therefore, no interference is required. Both the appeals are dismissed. No order as to costs.

[D.G.DESHPANDE]

04/04/2005

JUDGE.